

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
WINSTON-SALEM DIVISION

In Re:)
)
)
KRISTIN R. WHITE,) No: B-06-50414 C-13W
)
)
Debtor.)

MOTION TO DISMISS APPEAL

Now comes Kathryn L. Bringle, Chapter 13 Trustee ("the Appellee"), through counsel, moves the Court to dismiss the Debtor's Appeal of the Order dismissing the Debtor's case and in support therefore respectfully shows the Court the following:

1. Kristin R. White ("the Appellant") filed a Voluntary Petition on April 3, 2006.

2. Ms. White filed her Petition Pro Se without the assistance of counsel.

3. Ms. White was notified by the Court in writing on April 3, 2006 that the following missing documents had to be filed within 15 days:

- a. Notice of Creditors and proposed Plan.
- b. Statement of Monthly Income (Form B22C).
- c. Notice to the Debtor (Form 201).
- d. Exempt Property Claim.
- e. Schedule F.

The Court's Notice specified that these filings were due no later than April 18, 2006.

4. On April 20, 2006 the Debtor filed a motion to extend the time to file the missing documents. The Court scheduled a hearing on the Debtor's motion for May 17, 2006. The Debtor did not appear at the hearing and the Debtor's motion was denied.

5. The Court entered an Automatic Dismissal Order on June 5, 2006 dismissing the case pursuant to 11 U.S.C. Section 521(i) for the failure of the Debtor to file all of the information required under 11 U.S.C. Section 521(a)(1) within 45 days of the filing of the Petition.

6. Ms. White filed a Notice of Appeal of the Court's decision dismissing her case on June 13, 2006. Ms. White failed to tender the \$255.00 fee required to file a Notice of Appeal. The Clerk of the United States Bankruptcy Court sent notice to the Appellant of the filing fee requirement by letter dated June 13, 2006. To date, the Appellant has not paid the required filing fee.

7. Rule 8006 of the Federal Rules of Bankruptcy Procedure requires the Appellant to file with the Clerk and serve on the Appellee a designation of the items to be included in the record on appeal and a statement of the issues to be presented within 10 days after filing the Notice of Appeal. The proposed designation of the record of appeal and statement of issues was required to be filed and served by June 23, 2006. The Appellant has not filed a proposed record on appeal or a statement of the issues to be presented.

8. For these reasons the Appellee is of the opinion that the Appellant's appeal should be dismissed.

WHEREFORE, the Appellee respectfully prays that the Court dismiss the Appeal of the Bankruptcy Court's Order dismissing the Appellant's case with prejudice.

Date: July 27, 2006
KLB/VJC/ae

s/ Vernon J. Cahoon
Chapter 13 Staff Attorney

UNITED STATES BANKRUPTCY COURT
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In re:)
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KRISTIN R. WHITE,) Case No. B-06-50414C-13W
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Debtor.)

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that the attached Motion was served on the following parties by mailing a copy of the same by first-class postage pre-paid mail addressed as follows:

KRISTIN R WHITE
P O BOX 7521
STATESVILLE NC 28687

Date: July 27, 2006
KLB/VJC/ae

s/ Vernon J. Cahoon
Chapter 13 Staff Attorney